



General Assembly

January Session, 2007

Amendment

LCO No. 7685

HB0698007685SD0

Offered by:

SEN. COLAPIETRO, 31st Dist.

SEN. DUFF, 25th Dist.

REP. TONG, 147th Dist.

REP. MAZUREK, 80th Dist.

REP. NICASTRO, 79th Dist.

To: Subst. House Bill No. 6980

File No. 661

Cal. No. 498

"AN ACT CONCERNING HEATING OIL AND PROPANE GAS CHARGES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 16a-23 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 (a) No person engaged in the business of refining petroleum into
6 gasoline and furnishing gasoline to retail distributors of gasoline for
7 sale to the public in this state shall fail to furnish gasoline to
8 independent retail distributors of gasoline in this state, whether or not
9 franchised by such person, at wholesale prices in reasonable quantities
10 as long as [he] such person continues to furnish gasoline to retail
11 distributors of gasoline in this state which are wholly owned by [him]

12 such person or operated under a franchise granted by [him] such
13 person.

14 (b) It shall constitute, prima facie, a violation of the provisions of
15 subsection (a) of this section for any such person (1) during any
16 calendar month beginning after July 1, 1973, to deliver to independent
17 retail distributors of gasoline in this state a percentage of the total
18 gallons of gasoline delivered by [him] such person to all retail
19 distributors of gasoline in this state during that month which is lower
20 than the percentage of the total gallons of gasoline delivered by [him]
21 such person to all retail distributors of gasoline in this state during the
22 period from July 1, 1971, to June 30, 1972, which was delivered by
23 [him] such person to independent retail distributors of gasoline in this
24 state during that period, or (2) to sell gasoline to independent retail
25 distributors of gasoline in this state at a price during any such month
26 which is greater than (A) the average price at which [he] such person
27 sold gasoline to such distributors during the period from July 1, 1971,
28 to June 30, 1972, increased by (B) a percentage equal to the percentage
29 by which the average price for gasoline sold during that month to
30 retail distributors of gasoline which are wholly owned by, or operated
31 under a franchise granted by [, that] such person exceeds the average
32 price for gasoline sold to such distributors during the period from July
33 1, 1971, to June 30, 1972.

34 (c) No producer or refiner of petroleum products who is subject to
35 the provisions of section 14-344a and furnishes gasoline to a person
36 that sells gasoline at retail in this state shall use a pricing system under
37 which the wholesale price paid for such gasoline by such retail seller is
38 determined based on the geographic location of such retail seller in
39 any geographic zone in this state, or any other system that would
40 prevent retail sellers of gasoline from paying lower prices on an equal
41 basis with other retail sellers of gasoline in this state. Such producer
42 and refiner shall not discriminate in the price of such gasoline charged
43 to retail sellers of gasoline in this state, except to offer discounts or
44 rebates that may be determined by such producer or refiner from time
45 to time. Such discounts or rebates shall be disclosed by the producer or

46 refiner to the retail sellers and shall be offered by the producer or
47 refiner to all of its retail sellers on equal terms and conditions. When
48 offered, all such discounts or rebates and the time period they are
49 offered shall be listed as a separate line item entry on each invoice.

50 [(c)] (d) A violation of the provisions of subsection (a) or (c) of this
51 section constitutes an unfair [trade practice within the provisions of
52 chapter 735a] or deceptive act or practice in the conduct of a trade or
53 commerce under subsection (a) of section 42-110b.

54 (e) The Governor may suspend the requirements of subsection (c) of
55 this section pursuant to sections 16a-11 and 16a-12.

56 (f) The provisions of subsection (c) of this section shall expire two
57 years from the effective date of this section."